

**IN THE CLAIMS:**

**None of the claims have been amended herein. For the convenience to the Examiner, the current status of the claims is as follows:**

1. (PREVIOUSLY PRESENTED) A communications method of performing communications by switching over a plurality of communication modes, comprising:
  - measuring a communication performance between a plurality of communication devices connected to a network, by measuring a communication time of each of the communication modes of one of the communication devices under a plurality of communication conditions comprising a version of an operating system of the communication devices;
  - obtaining a condition-based optimum communication mode in which the communication time in one of the communication modes of the one of the communication devices, exceeds a communication time of other communication modes per communication condition of the one of the communication devices; and
  - selecting the condition-based optimum communication mode in accordance with the communication condition when in communications with the other communication device, and performing the communications between the communication devices based on the condition-based optimum communication mode of the one of the communication devices.
2. (PREVIOUSLY PRESENTED) A communication device for performing communications with another communication device connected to a network, by switching over a plurality of communication modes, comprising:
  - a performance measuring module for measuring a communication performance of the communication device to the other communication device, by measuring a communication time of each of the communication modes of the communication device under a plurality of communication conditions comprising a version of an operating system of the communication devices;
  - a optimum mode obtaining module for obtaining a condition-based optimum communication mode in which the communication time of the communication device to the other communication device in one of the communication modes exceeds a communication time of other communication modes per communication condition based on the measured communication time; and

a selection module for selecting the condition-based optimum communication mode in accordance with the communication condition when in communications, to thereby perform the communications between the communication devices based on the condition-based optimum communication mode of the communication device.

3. (CANCELLED)

4. (CANCELLED)

5. (CANCELLED)

6. (PREVIOUSLY PRESENTED) A readable-by-computer recording medium recorded with a program for communications by switching over a plurality of communication modes, said program comprising:

measuring a communication performance between a plurality of communication devices connected to a network, by measuring a communication time of each of the communication modes of one of the communication devices under a plurality of communication conditions comprising a version of an operating system of the communication devices;

obtaining a condition-based optimum communication mode in which the communication time of one of the communication modes of the one of the communication devices, exceeds a communication time of other communication modes per communication condition of the one of the communication devices; and

selecting the condition-based optimum communication mode in accordance with the communication condition when in communications with the other communication device, and performing the communications between the communication devices based on the condition-based optimum communication mode of the one of the communication devices.

7. (CANCELLED)

8. (PREVIOUSLY PRESENTED) A communication device according to claim 2, further comprising:

a storage unit for storing a condition-based optimum communication mode,

wherein said performance measuring module measures the communication performance in the communications with said other communications device if not stored with the condition-based optimum communication mode in communications with said other communications device when performing the communications with said other communication device, and

said optimum mode obtaining module obtains the condition-based optimum communication mode.

9. (CANCELLED)
10. (CANCELLED)
11. (CANCELLED)